



# PROPOSED RULE MAKING

**CR-102 (June 2004)**

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

**Agency:** Department of Ecology AO # 09-06

- ☒ **Preproposal Statement of Inquiry was filed as WSR 09-12-097 ; or**  
☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**  
☐ **Proposal is exempt under RCW 34.05.310(4).**

- ☒ **Original Notice**  
☐ **Supplemental Notice to WSR \_\_\_\_\_**  
☐ **Continuance of WSR \_\_\_\_\_**

**Title of rule and other identifying information:** Rule amendment for Chapter 173-224 WAC – Wastewater Discharge Permit Fees

**Hearing location(s):** Please see attached

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**Date of intended adoption:** September 28, 2009  
 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Bev Poston, Department of Ecology  
 Address: PO Box 47600, Olympia WA 98504-7600

e-mail [bpos461@ecy.wa.gov](mailto:bpos461@ecy.wa.gov)

fax (360)407-7151 by (date) September 9, 2009

**Assistance for persons with disabilities:** Contact

Bev Poston by August 18, 2009

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** To increase fees for some wastewater and stormwater permit holders by the following: 5.20% for Fiscal Year 2010 and 4.61% for Fiscal Year 2011 as authorized by the 2009 Washington State Legislature. Fees for domestic wastewater permit holders will also increase from the current \$1.80 per residential equivalent (RE) for cities with less than 250,000 RE's to \$1.89 per RE for Fiscal Year 2010 and \$1.98 per RE for Fiscal Year 2011. For residential equivalent counts greater than 250,000, the fee for Fiscal Year 2011 will increase from \$1.32 to \$1.38. Ecology is also proposing to eliminate the proration fees to the fiscal quarter a permit is terminated in.

**Reasons supporting proposal:** The fee increase will allow continued operation of the wastewater/stormwater permit program. Wastewater and stormwater permits are tools used by Ecology to ensure that man-made activities that discharge into the various water bodies of the state are discharged at a level where they will not impair the water.

**Statutory authority for adoption:** RCW 90.48.465 – Water Pollution Control

**Statute being implemented:** RCW 90.48.465 – Water Pollution Control

**Is rule necessary because of a:**

- Federal Law? ☐ Yes ☒ No  
 Federal Court Decision? ☐ Yes ☒ No  
 State Court Decision? ☐ Yes ☒ No  
 If yes, CITATION:

**DATE**

7/16/09

**NAME** (type or print)

Polly Zehm

**SIGNATURE**

*Polly Zehm*

**TITLE**

Deputy Director, Department of Ecology

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER  
 STATE OF WASHINGTON  
 FILED**

**DATE:** July 20, 2009

**TIME:** 11:19 AM

**WSR 09-15-128**

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization) Department of Ecology

☐ Private  
☐ Public  
☒ Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Bev Poston	Olympia, Washington	(360) 407-6425
Implementation.... Bev Poston	Olympia, Washington	(360) 407-6425
Enforcement..... Bev Poston	Olympia, Washington	(360) 407-6425

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone (     ) \_\_\_\_\_

fax (     ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No. Explain why no statement was prepared.

Chapter 173-224 WAC – Wastewater Discharge Permit Fees already provides relief from fees for small business with no more than one million dollars in gross revenue from the activity covered by the permit. To the extent there may be a disproportionate impact on small business, this provides mitigation, as would be required by the Regulatory Fairness Act (RCW 19.85.030) were a Small Business Economic Impact Statement found to be necessary.

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone (     ) \_\_\_\_\_

fax (     ) \_\_\_\_\_

e-mail \_\_\_\_\_

☒ No: Please explain:

Rules changing fee schedules are exempt from Significant Legislature Rule Cost Benefit Analysis (RCW 34.05.328) requirements. The exemptions apply to rules which set or adjust fees or rates pursuant to legislative standards. Legislative standards for these fees appear in RCW 90.48.465 – Water Pollution Control (authorizing the fee). Ecology is proposing to increase some fees by the state fiscal growth factor projections determined by the Washington State Expenditure Limit Committee.